

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-1038**

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YOLANDA W. STOKES,

Plaintiff - Appellant,

versus

EARL B. PULLEN, Director; CHARLOTTESVILLE  
REDEVELOPMENT & HOUSING AUTHORITY,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. B. Waugh Crigler, Magistrate Judge. (CA-96-61-3-C)

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Submitted: September 11, 1997      Decided: September 18, 1997

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Before RUSSELL, MURNAGHAN, and HAMILTON, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Yolanda W. Stokes, Appellant Pro Se. David E. Nagle, LECLAIR RYAN, P.C., Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals the magistrate judge's order dismissing her employment discrimination action as untimely.\* We have reviewed the record and find no reversible error. A claimant who fails to file a complaint within the ninety-day statutory time period mandated by Title VII, 42 U.S.C. § 2000e-5(f) (1994), generally forfeits her right to pursue her claim. See Baldwin County Welcome Ctr. v. Brown, 466 U.S. 147, 149-51 (1984). While conceding that her complaint was filed outside the statutory time period, Appellant asserts that, under Virginia's savings statute, the voluntary dismissal of a previous suit tolled the statute of limitations and permitted her six months from the date of dismissal to file her current action.

However, Appellant is mistaken. Where, as here, the plaintiff voluntarily dismisses a lawsuit that was brought in federal court, asserted a purely federal claim, and was subject to a federal statute of limitations, state savings statutes do not apply. See Beck v. Caterpillar Inc., 50 F.3d 405, 407 (7th Cir. 1995); see also Brown v. Hartshorne Pub. Sch. Dist., 926 F.2d 959, 961 (10th Cir. 1991). Accordingly, the statute of limitations was not tolled, and the magistrate judge properly dismissed Appellant's action. Because the notice of appeal was timely filed, we deny Appellees' motion to dismiss. We dispense with oral argument because the facts

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\* The parties consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c) (1994).

and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED